

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSEPH A. PAKOOTAS, an  
individual and enrolled  
member of the Confederated  
Tribes of the Colville  
Reservation; and DONALD  
R. MICHEL, an individual  
and enrolled member of the  
Confederated Tribes of the  
Colville Reservation, and THE  
CONFEDERATED TRIBES OF  
THE COLVILLE RESERVATION,

Plaintiffs,

and

THE STATE OF WASHINGTON,

Plaintiff-Intervenor,

vs.

TECK COMINCO METALS, LTD.,  
a Canadian corporation,

Defendant.

No. CV-04-256-LRS

**ORDER GRANTING  
MOTION TO VACATE  
JUDGMENT**

**BEFORE THE COURT** is Defendant's Motion To Vacate Judgment  
(ECF No. 1992). The motion is heard without oral argument.

Good cause appearing and there being no opposition from the Plaintiff

**ORDER GRANTING MOTION  
TO VACATE JUDGMENT-**

1 Confederated Tribes Of The Colville Reservation and Plaintiff-Intervenor State  
2 Of Washington, the motion is **GRANTED** and the Judgment filed December 14,  
3 2012 (ECF No. 1956) is **VACATED**. The Findings Of Fact And Conclusions  
4 Of Law (ECF No. 1955) are hereby **AMENDED** to omit the section thereof  
5 titled "**IV. RULE 54(b) CERTIFICATION**" at page 44, and to omit the  
6 directive at page 45 for the District Executive to enter judgment. The balance of  
7 the "Findings Of Fact And Conclusions Of Law" remain intact, notably that  
8 "Teck is jointly and severally liable to the Tribes and the State in any subsequent  
9 action or actions to recover past or future response costs at the UCR Site."  
10 (Paragraph 19 at p. 43).

11 A telephonic status conference will be held on **May 6, 2013 at 9:30 a.m.**  
12 **Counsel shall call the court's conference line at 877-336-1828 and use**  
13 **Access Code 3470056 and Security Code 0256.** The purpose of the  
14 conference will be to determine the next step of the litigation. The parties will  
15 serve and file separate proposals, or file a joint proposal, no later than **April 29,**  
16 **2013.**

17 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
18 this order and provide copies of the same to counsel of record **and to the Office**  
19 **of the Clerk for the Ninth Circuit Court of Appeals in regard to Appeal No.**  
20 **13-35024.**

21 **DATED** this 11th day of April, 2013.

22 *s/Lonny R. Suko*

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LONNY R. SUKO  
United States District Judge

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27 **ORDER GRANTING MOTION**  
28 **TO VACATE JUDGMENT-**